

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER GODSON,)	
on behalf of himself)	
and all others similarly situated,)	No. 1:11-cv-0764-WMS-HKS
)	
Plaintiff,)	CLASS ACTION
)	
v.)	
)	
ELTMAN, ELTMAN & COOPER, P.C., and)	
LVNV FUNDING, LLC,)	
)	
Defendants.)	

Plaintiff's Motion for Class Certification

Plaintiff, Christopher Godson, through counsel, hereby moves under Federal Rule of Civil Procedure 23 for an Order permitting this case to proceed as a class action against Defendants Eltman, Eltman & Cooper, P.C. ("Eltman") and LVNV Funding, LLC ("LVNV"). Plaintiff also requests that all briefing on this motion be stayed pending some initial discovery concerning numerosity and possibly other class issues. In support of this Motion, Plaintiff states the following:

The Complaint alleges that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, by sending collection letters that (1) failed to fully disclose the amount of the alleged debt and (2) contained language that overshadows a consumers' right to dispute the alleged debt.

Plaintiff seeks to represent a class of persons, defined as follows:

All consumers who, according to Defendants' records, had a New York address and: (a) within one year prior to the filing of this action; (b) were sent collection letters bearing Eltman's letterhead in a form materially identical or substantially similar to the letter sent to the

Plaintiff and attached as Exhibit A to Plaintiff's Complaint;¹ and (c) which were not returned by the postal service as undelivered.

All requirements of Rule 23(a) have been met in that:

- a. The class is so numerous that joinder of all members is impracticable;
- b. There are questions of law or fact common to the class;
- c. The claims of the representative parties are typical of the claims of the class;
and
- d. The representative parties will fairly and adequately protect the interests of the class.

The additional requirements of Rule 23(b)(3) have been that in that the questions of law or fact common to members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

Under Rule 23(g), Plaintiff also moves that the Court appoint their attorneys, the Bromberg Law Office, P.C. and the Law Offices of Kenneth Hiller, PLLC, as Class Counsel. Copies of the declarations of Brian L. Bromberg and Kenneth R. Hiller are attached to the Memorandum of Law accompanying this motion.

¹ See (ECF #1).

Dated: March 27, 2012
New York, New York

PLAINTIFF CHRISTOPHER GODSON,
Individually And On Behalf Of The Class,

By: /s/ Brian L. Bromberg
Brian L. Bromberg
One of Plaintiff's Attorneys

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